

Notice of Allowability

Application No.

09/588,683

Examiner

David E. England

Applicant(s)

USHIDA, KATSUTOSHI

Art Unit

2143

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 10/29/2007.
2. ☒ The allowed claim(s) is/are 1, 2, 5 - 8, 10 - 21, 25, 28 - 31, 33 - 44, 51, 52, 101, 102, 106, 112 and 113.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

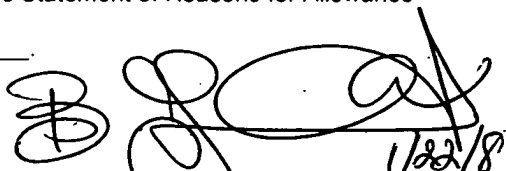
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material

5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____


BUNJOB JARCHONWANIT
SUPERVISORY PATENT EXAMINER
1/22/8

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DETAILED ACTION

Reasons for Allowance

1. The following is an examiner's statement of reasons for allowance: the closest prior art of record (Bloomfield 6023345, Rachelson 6157706 and Freeman 6020980) does not teach nor suggest in detail, a communication apparatus, storage medium, system and method for communicating electronic mail data to a destination address comprising: designation means for designating a destination address for transmission of the electronic mail;
2. determination means for determining a format of image data in correspondence with the designated destination address by referring to a database for storing functional information of destination devices, in a case where transmission of the electronic mail data with the image data attached thereto is performed;
3. communication means for, before the transmission of the electronic data is performed, and in a case where the determination means determines that the functional information of the format of the image data for the destination device corresponding to the designated destination address is not stored in the database, initiating communication with a destination device corresponding to the designated destination address to obtain functional information of the format of the image data for the destination device;
4. converting means for i) converting the image data into the format determined by said determination means in a case where the functional information of the format of the image data

for the destination device corresponding to the designated destination address is stored in the database, ii) in a case where the determination means determines that the functional information of the format of the image data for the destination device corresponding to the designated destination address is not stored in the database and where said communication means obtains the functional information of the format of the image data in the communication initiated with the destination device, converting the image data into the format of the image data based on the functional information obtained from the destination device by said communication, and iii) in a case where the determination means determines that the functional information of the format of the image data for the destination device corresponding to the destination address is not stored in the database, and where said communication means does not obtain the functional information of the format of the image data in the communication initiated with the destination device, converting the image data into a predetermined standard image format; and

5. transmission means for transmitting the electronic mail data with the image data which is converted by said converting means to the destination device corresponding to the designated destination address, as taught by the Applicant (see Arguments dated 10/29/2007, pages 27 – 30; Specification as of 10/29/2007, pages 60-79; and Drawings dated 10/29/2007, Figures 5-11 of Applicant's enabling portions of the specification and drawings).

6. Examiner finds Applicant's arguments in regards to the prior art of Bloomfield, Rachelson and Freeman persuasive. More specifically, the arguments in regard the newly amended claim language that teaches initiating a communication with the destination device to obtain the functional information if the format is not stored in the database, and then i)

converting the image data according to the obtained functional information if it is obtained in the communication, and ii) only then converting the image data into the standard format if the functional information is not obtained and the format is not included.

7. Bloomfield teaches converting a fax into a document that can be read by a user. The information that is utilized in converting the fax to a specific format that the user can read is done in the very beginning, before any transmission is sent. This is not the same as the Application because the application requests format information after apparatus has received the fax if it is not present in their database.

8. Rachelson teaches a database with the recipient's preference data in a database. The preference data is the format that the recipient wishes the fax data to be converted into. Similar to Bloomfield, Rachelson does not teach a request message for format data from the designated user that is receiving the converted fax message. Instead, Rachelson teaches the user having the ability to change the format they wish to receive the fax message at anytime without the need for the apparatus to request the format. Furthermore, Rachelson automatically converts the fax message to a format if the user has no preference, i.e. new user, and does not query the user if they wish to receive the fax message in a different format than a standard one.

9. Freeman is similar in nature to Rachelson, in that the user may or may not preference a format and if a format is not specified than the system automatically assigns a standard to the recipient without querying if the user would like to change their preference of converted data.

10. The dependent claims further limit the independent claims and are considered allowable on the same basis as the independent claim as well as for the further limitations set forth. Any

Application/Control Number:
09/588,683
Art Unit: 2143

Page 5

comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

11. Claims 1, 2, 5 – 8, 10 – 21, 25, 28 – 31, 33 – 44, 51, 52, 101, 102, 106, 112 and 113 are allowed.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David E. England whose telephone number is 571-272-3912. The examiner can normally be reached on Mon-Thur, 7:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan J. Flynn can be reached on 571-272-1915. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Application/Control Number:
09/588,683
Art Unit: 2143

Page 6

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

David E. England
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1/22/8